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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:10-CR-280-KJD-(GWF)
11 LINDA MARIE KOT,)
12 Defendant.)

13 **FINAL ORDER OF FORFEITURE**

14 On May 25, 2012, defendant LINDA MARIE KOT was found guilty by a jury of Counts One
15 through Four of the Superseding Criminal Indictment charging her in Count One with Conspiracy to
16 Commit Mail Fraud, Wire Fraud, and Bank Fraud in violation of Title 18, United States Code,
17 Sections 1341, 1343, 1344, and 1349; and in Counts Two through Four with Bank Fraud in violation
18 of Title 18, United States Code, Section 1344. Superseding Criminal Indictment, ECF No. 120; Jury
19 Verdict, ECF No. 157; Jury Trial Minutes, ECF No. 156.

20 On July 26, 2012, this Court entered an Order of Forfeiture as to LINDA MARIE KOT,
21 creating an in personam criminal forfeiture money judgment of \$3,891,811 in United States
22 Currency under Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section
23 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code,
24 Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Order of Forfeiture, ECF
25 No. 183.

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1 On December 19, 2012, this Court sentenced LINDA MARIE KOT. Sentencing Minutes,
2 ECF No. 202. The Order of Forfeiture for sentencing was entered on the same day pursuant to Fed.
3 R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
4 United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title
5 21, United States Code, Section 853(p). Order of Forfeiture, ECF No. 203.

6 On December 21, 2012, this Court entered the Judgment in a Criminal Case on LINDA
7 MARIE KOT with the Order of Forfeiture (ECF No. 203) from sentencing attached. Judgment in a
8 Criminal Case, ECF No. 204.

9 On June 19, 2013, the United States of America filed a Sealed Ex Parte Motion to Substitute
10 and to Forfeit Property of Linda Marie Kot along with the proposed Substitution and Forfeiture
11 Order. Sealed Ex Parte Motion to Substitute and to Forfeit Property of Linda Marie Kot, ECF No.
12 233.

13 On July 3, 2013, this Court entered the Substitution and Forfeiture Order (ECF No. 235)
14 authorizing the substitution and forfeiture of the following property pursuant to Title 21, United
15 States Codes, Section 853(p):

16 1. Any and all assets contained in any and all individual retirement accounts (IRAs) held
17 by Merrill Lynch in the name of Linda Marie Kot, social security account number
18 [REDACTED] 9960¹, date of birth [REDACTED] 1953, with a combined balance of
19 approximately \$26,000;

20 2. The funds contained in any and all bank accounts held by Bank of America in the
21 name of Linda Marie Kot, social security account number [REDACTED] 9960, date of birth
22 [REDACTED] 1953, with a combined balance of approximately \$4,200; and

23 ...

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26 ¹ All references to defendant's social security number and date of birth have been redacted from this document in compliance with Fed. R. Crim. P. 49.1 to protect defendant's personal identifying information. Fed. R. Crim. P. 49.1 protects social security numbers, taxpayer-identification numbers, birth dates, financial account numbers, and home addresses.

1 3. The funds contained in any and all bank accounts held by Wells Fargo Bank in the
2 name of Linda Marie Kot, social security account number [REDACTED] 9960, date of birth
3 [REDACTED] 1953, with a combined balance of approximately \$650.

4 On July 11, 2013, the following property was seized by the Federal Bureau of Investigation
5 ("FBI"), and was substituted and forfeited to the United States of America pursuant to Title 21,
6 United States Code, Section 853(p):

- 7 1. \$20,431.31 in United States Currency seized from Merrill Lynch;
- 8 2. \$6,691.57 in United States Currency seized from Bank of America; and
- 9 3. \$652.19 in United States Currency seized from Wells Fargo.

10 Notice of Filing Service of Process, ECF No. 241, p. 2-85.

11 This Court finds the United States of America published the notice of the forfeiture in
12 accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,
13 consecutively from September 21, 2013, through October 20, 2013, notifying all potential third
14 parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 242.

15 On July 11, 2013, the FBI personally served Linda Marie Kot with the Motion to Substitute
16 and to Forfeit Property of Linda Marie Kot, the Substitution and Forfeiture Order, and the Notice.
17 Notice of Filing Service of Process, ECF No. 241, p. 86-113.

18 On July 23, 2013, the FBI personally served Daniel J. Kot with the Motion to Substitute and
19 to Forfeit Property of Linda Marie Kot, the Substitution and Forfeiture Order, and the Notice. Notice
20 of Filing Service of Process, ECF No. 241, p. 114-142.

21 This Court finds no petition was filed herein by or on behalf of any person or entity and the
22 time for filing such petitions and claims has expired.

23 This Court finds no petitions are pending with regard to the assets named herein and the
24 time for presenting such petitions has expired.

25 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
26 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the

1 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
2 32.2(c)(2); Title 18, United States Code, Section 982(a)(2)(A); Title 18, United States Code, Section
3 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code,
4 Section 853(n)(7) and (p) and shall be disposed of according to law:

- 5 1. \$652.19 in United States Currency;
- 6 2. \$20,431.31 in United States Currency; and
- 7 3. \$6,691.57 in United States Currency,

8 which will be applied towards the in personam criminal forfeiture money judgment of \$3,891,811 in
9 United States Currency.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
11 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as
12 any income derived as a result of the United States of America's management of any property
13 forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of
14 according to law.

15 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
16 certified copies to the United States Attorney's Office.

17 DATED this 7th day of January, 2014.

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UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 I, Michelle C. Lewis, Paralegal Specialist, certify that the following individuals were served
3 with copies of the Final Order of Forfeiture on November 21, 2013, by the below identified method
4 of service:

5 CM/ECF:

6 Richard A. Schonfeld
7 Chesnoff & Schonfeld
8 520 S. 4th St.
9 Las Vegas, NV 89101
10 Email: rschonfeld@cslawoffice.net
11 *Counsel for Linda Marie Kot*

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13 Federal Public Defender
14 411 E. Bonneville
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17 *Counsel for Hugo Patricio Coutelin*

18 Janet C. Kelleran
19 Dempsey, Roberts & Smith, Ltd.
20 1130 Wigwam Parkway
21 Henderson, NV 89074
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23 *Counsel for Michael Perry*

24 Marc D. Risan
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Counsel for Jeff Thomas

21 /s/MichelleC.Lewis
22 MICHELLE C. LEWIS
23 Paralegal Specialist
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